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*FILED*  
*DEC 05 2005*  
*UNITED STATES DISTRICT COURT*  
*DISTRICT OF ALASKA*  
*By Deputy PM*

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11 IN THE UNITED STATES DISTRICT COURT  
 12 FOR THE DISTRICT OF ALASKA

14 MARK R.M. HOLMSTRAND,

15 Plaintiff,

16 vs.

17 NEW YORK LIFE INSURANCE  
 COMPANY, a foreign corporation, PAUL  
 REVERE LIFE INSURANCE COMPANY,  
 a Massachusetts Corporation,  
 UNUMPROVIDENT CORPORATION, a  
 Delaware Corporation (d/b/a, inter alia, Paul  
 Revere Life Insurance Company, Unum  
 Life Insurance Company, a Maine  
 Corporation, Provident Life and Accident  
 Insurance Company, a Tennessee  
 Corporation, and GENEX, a Pennsylvania  
 Corporation) and ROBERT  
 LEIMGRUBER, an Ohio Resident.

18 Case No. A05-0066 CV (JKS)

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19 **PLAINTIFF'S FIRST MOTION TO  
 20 COMPEL PRODUCTION OF  
 DOCUMENTS FROM DEFENDANTS  
 21 NEW YORK LIFE, PAUL REVERE LIFE  
 INSURANCE COMPANY  
 22 AND UNUMPROVIDENT  
 23 CORPORATION**

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 25 Plaintiff's First Motion to Compel Production of  
 26 Documents from Defendants New York Life,  
 27 Paul Revere Life Insurance Company  
 28 and UnumProvident Corporation

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2 COMES NOW plaintiff, Mark Holmstrand, by and through his attorneys and pursuant to  
3 FRCP 37(a)(2)(B) moves to compel the production of documents sought through plaintiff's first  
4 requests for production pursuant to FRCP 34. In particular plaintiff moves to compel the  
5 production of documents responsive to the following requests for production:

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- 7 • Paul Revere Life Insurance Company: RFP A.5, A.6, A.8-A.10, A.12, A.13,  
A.19, A.20, A.22, B.5- B.17, C.3-C.13, C.17, C.18;
  - 8 • UnumProvident Corporation: RFP A.5-6, A.8-10, A.12, A.13, A.19, A.20, A.22,  
B.5-B.17, C.3-13, C.19, C.20; and
  - 9 • New York Life Insurance Company: RFP A.4, A.5, A.7-A.9, B.5-B.16, C.3-C.5.

10 Defendants' responses to the requests for production (including the requests themselves) are  
11 attached hereto as Appendices A-C.

12 This motion is further supported by the accompanying memorandum of points and  
13 authorities and exhibits. Undersigned counsel hereby certifies that he has attempted to confer  
14 with counsel for defendants in an effort to secure the information without intervention of the  
15 court. Plaintiff's counsel provided defense counsel with a letter identifying issues of concern on  
16 November 14, 2005. As of the date of this memorandum no substantive response has been  
17 received, though defense counsel has indicated defendants will be providing some response by  
18 December 9, 2005. Defense counsel has informed plaintiff's counsel that even with that future  
19 response he believes a motion to compel is inevitable. Plaintiff's counsel has informed defense  
20 counsel of his continued willingness to meet and confer and his willingness to withdraw all or  
21 part of this motion should accommodation be reached.

22 Because plaintiff's memorandum addresses documents that have been produced pursuant  
23 to the stipulated protective order in this case, it is filed under seal. Similarly, because certain of  
24 the exhibits to plaintiff's memorandum are subject to protective order, they too are filed under  
25 seal.  
26

1 DATED this 5 day of December, 2005.  
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Jeffrey K. Rubin, AK Bar No. 8206061  
Friedman, Rubin & White  
Attorneys for Mark Holmstrand

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